

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

<b>NEVA COSTNER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1:17-CV-210-SNLJ</b>
	)	
<b>DOLGENCORP, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM AND ORDER**

Plaintiff Neva Costner filed this personal injury lawsuit against defendant Dolgencorp, LLC, which does business as Dollar General. Plaintiff originally filed this action in state court, and on December 5, 2017, defendant removed to this Court based on diversity jurisdiction, 28 U.S.C. § 1331. Plaintiff filed an identical suit against defendant in 2016 and then voluntarily dismissed the lawsuit in 2017 before refiling her complaint against defendant. The defendant deposed plaintiff as part of the first lawsuit.

Defendant now seeks to depose plaintiff again. Plaintiff’s attorney has stated that he would produce the plaintiff for deposition but that the deposition would be limited in scope to matters that have occurred since the last deposition. Defendant seeks to take plaintiff’s complete deposition, taking the position that her earlier deposition is “nothing more than a recorded statement under oath.” Indeed, plaintiff has cited to no rule or other authority supporting her position that she need not appear for a complete deposition. The Court will grant defendant’s motion to compel.

Defendant also seeks to amend the Case Management Order (“CMO”) in this case to adjust for the time lost while the parties litigated their deposition dispute. Defendant seeks to extend the dates for defendant to disclose and present experts for deposition by 45 days after plaintiff presents herself for her complete deposition. The Court will grant that motion, as well.

Accordingly,

**IT IS HEREBY ORDERED** that defendant Dolgencorp’s motion to compel (#26) is **GRANTED**.

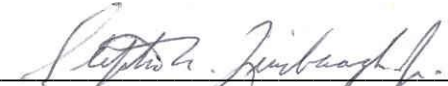
**IT IS FURTHER ORDERED** that plaintiff shall appear for a deposition without limitation on the scope of the examination, except as provided by the Federal Rules, no later than December 21, 2018.

**IT IS FURTHER ORDERED** that defendant shall be granted its attorneys’ fees and shall submit to the Court its reasonable attorneys’ fees attributable to the preparation of its motion to compel by January 4, 2019.

**IT IS FURTHER ORDERED** that defendant’s motion to amend the Case Management Order (#29) is **GRANTED**.

**IT IS FINALLY ORDERED** that the defendant shall be granted 45 days from the date plaintiff presents herself for her complete deposition for defendant to disclose and present experts for deposition.

So ordered this 4th day of December, 2018.

  
STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE